



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** SUB10-00165 Magoffin Avenue Vacation  
**Application Type:** Right-of-Way Vacation  
**CPC Hearing Date:** May 3, 2012

**Staff Planner:** Raul Garcia, 915-541-4935, [garcia1@elpasotexas.gov](mailto:garcia1@elpasotexas.gov)  
**Location:** East of Campbell @ Magoffin  
**Acreage:** 0.166 acre  
**Rep District:** 8

**Existing Use:** ROW  
**Existing Zoning:** C-5 (Commercial)

**Property Owner:** City of El Paso  
**Applicant:** City of El Paso  
**Representative:** City of El Paso

### **SURROUNDING ZONING AND LAND USE**

**North:** C-4 (Commercial)/ Federal Courthouse  
**South:** C-4H (Commercial/Historic)/ Commercial development  
**East:** C-4/sp (Commercial/special permit)/ Commercial development  
**West:** C-5 (Commercial)/ Governmental development

### **THE PLAN FOR EL PASO DESIGNATION: G-2 Traditional Neighborhood**

#### **APPLICATION DESCRIPTION**

This is a city-initiated application to vacate a portion of Magoffin Avenue between E. San Antonio Street and Ochoa Street. The ROW width to be vacated varies between 9 and 17 feet in width and measures 542 feet in length and includes encroachments that resulted from the construction of the new Federal Courthouse. A 20' easement is being retained at the western edge of the ROW to allow for maintenance and access to the existing public utilities.

This vacation along with the E. San Antonio Street vacation and the Myrtle Street vacation all abut the new Federal Courthouse downtown and are part of a supplemental lease agreement between the City and the Federal Government. In exchange for vacating the portions of ROW, the Federal Government is extending the City's lease for the Stanton Street Bridge toll facilities for 49 years.

The E. San Antonio Street vacation is running concurrently with this vacation and the Myrtle Street vacation was approved by the City Plan Commission on January 14, 2010. All three vacations will move forward together to City Council.

## **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of Magoffin Avenue Vacation subject to the following conditions and requirements:

- **The proposed vacation area shall be retained as a full-width utility easement.**

### **Planning Division Recommendation:**

Approval subject to the proposed vacation area being retained as a full-width utility easement.

### **Engineering & Construction Management-Land Development:**

No objection.

### **Planning - Transportation:**

No objections.

### **El Paso Water Utilities:**

**1. The El Paso Water Utilities does not object to the proposed vacation as long as the proposed street vacation is dedicated as a full width utility easement.**

EPWU-PSB Comments

Water:

2. Along Magoffin Avenue and East San Antonio Avenue between Campbell Street and Ochoa Street there is an existing 12-inch diameter water main.
3. Along North Ochoa Street between Myrtle Avenue and Magoffin Avenue there is an existing 8-inch diameter water main.
4. There is an existing fire hydrant # 7187 within the proposed street vacation located approximately 287-ft west from Ochoa Street right of way line.
5. Previous water pressure reading from fire hydrant #8823 located at the southeast intersection of Ochoa Street and Myrtle Avenue have yield a static pressure of 86 (psi) pounds per square inch, a residual pressure of 80 (psi) pounds per square inch and a discharge of 919 (GPM) gallons per minute.
6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main that extends from Myrtle Avenue to Magoffin Avenue along a 20 foot wide utility easement. The sanitary sewer main is located approximately 10 ft east from the western utility easement property line.

General:

8. All easements dedicated for public sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.
9. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading

and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Stormwater Division:**

We have reviewed the subdivision described above and provide the following comments:

Magoffin Avenue Street Vacation – Street Vacation

1. EPWU records indicate existing storm water infrastructure within the proposed limits of the vacation. On Exhibit B, show all existing storm water structures. All public stormwater structures must remain within public rights-of-way.

**Parks and Recreation:**

No comments received.

**El Paso Fire Department:**

No comments received.

**El Paso Electric Company:**

El Paso Electric Company has no objection to the release of 0.166 Acres of Magoffin Avenue, Campbell Addition as shown on survey plat by Frank X. Spencer and Associates, Inc. dated 5/20/10 as shown on the attachment, provided utility easements rights are maintained.

**Sun Metro:**

No comments received.

**911**

No comments received.

**Texas Gas Company:**

No comments received.

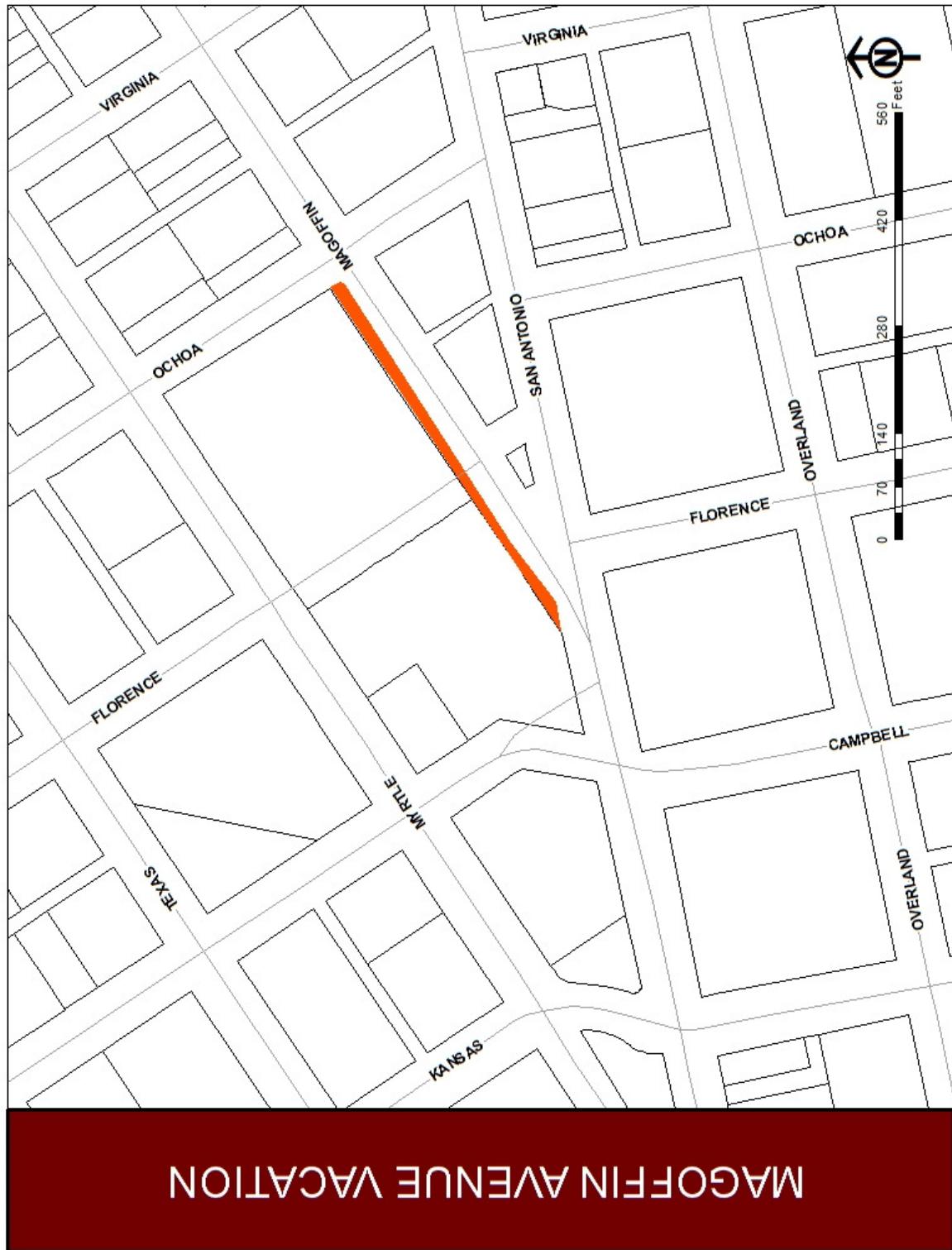
**El Paso Independent School District:**

No comments received.

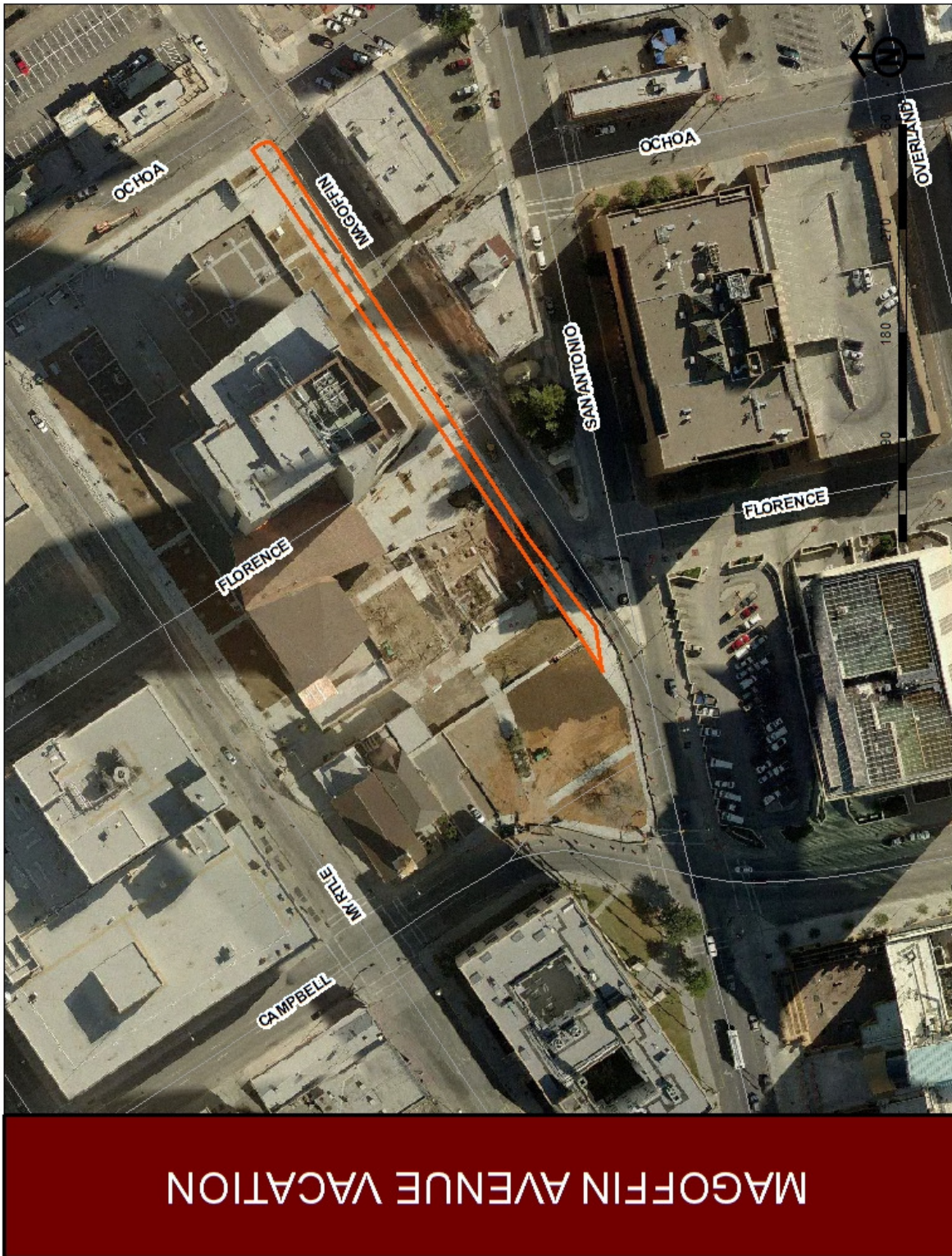
**Attachments**

1. Location map
2. Aerial map
3. Survey
4. Application

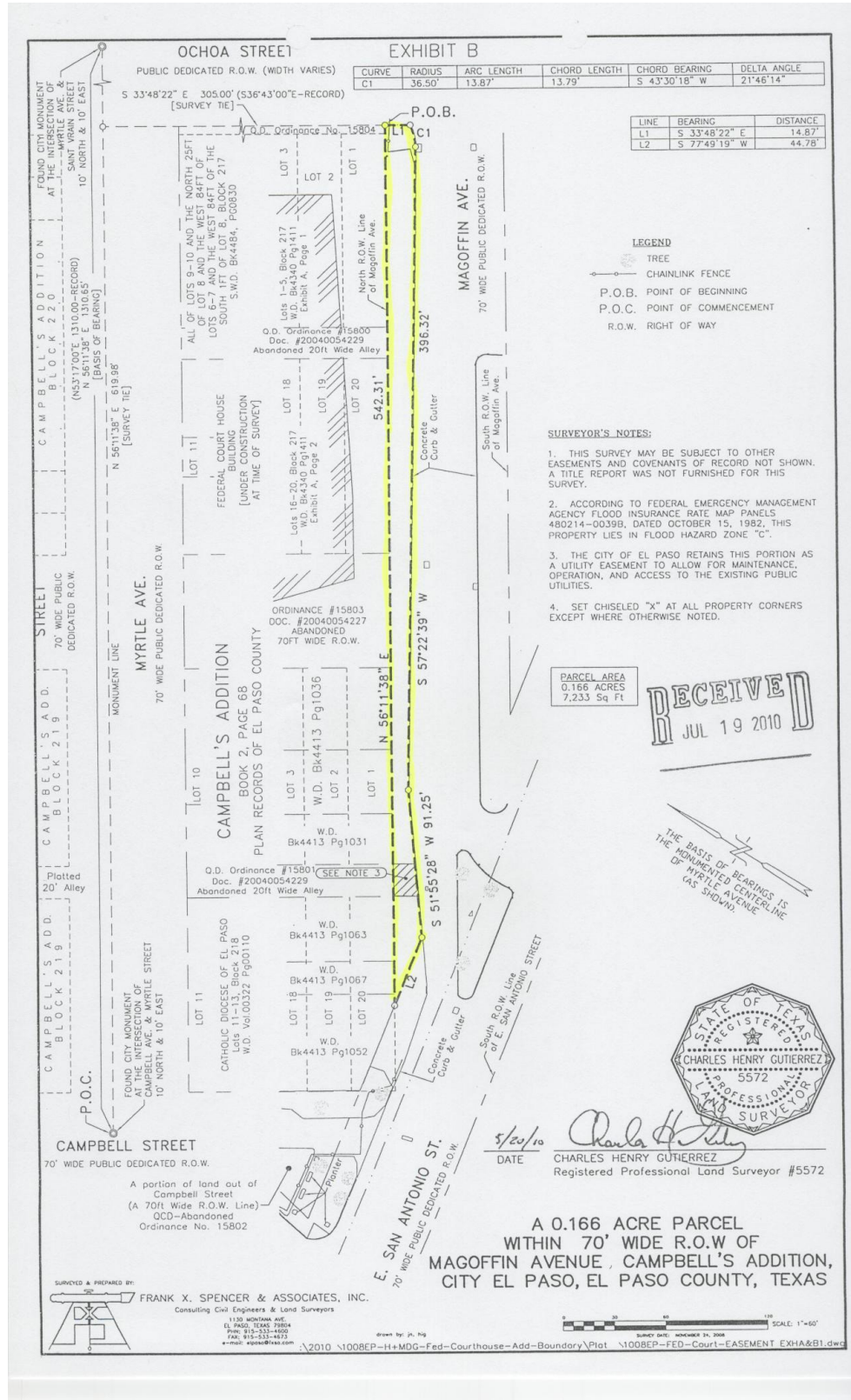
ATTACHMENT 1



ATTACHMENT 2



# ATTACHMENT 3



## ATTACHMENT 4



### CITY OF EL PASO, TEXAS APPLICATION FOR VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY

Date: 7-19-10 File No. \_\_\_\_\_

1. APPLICANT'S NAME City of El Paso  
ADDRESS 2 Ginz Center ZIP CODE 79924 TELEPHONE 541-4024
2. Request is hereby made to vacate the following: (check one)  
Street ☒ Alley \_\_\_\_\_ Easement \_\_\_\_\_ Other \_\_\_\_\_  
Street Name(s) Magoffin Subdivision Name Campbell Addition  
Abutting Blocks 217, 218 Abutting Lots 20, 1, 20, 1
3. Reason for vacation request: Construction of Federal Courthouse
4. Surface Improvements located in subject property to be vacated:  
None \_\_\_\_\_ Paving \_\_\_\_\_ Curb & Gutter \_\_\_\_\_ Power Lines/Poles \_\_\_\_\_ Fences/Walls \_\_\_\_\_ Structures \_\_\_\_\_ Other \_\_\_\_\_
5. Underground Improvements located in the existing rights-of-way:  
None \_\_\_\_\_ Telephone \_\_\_\_\_ Electric \_\_\_\_\_ Gas \_\_\_\_\_ Water \_\_\_\_\_ Sewer \_\_\_\_\_ Storm Drain \_\_\_\_\_ Other \_\_\_\_\_
6. Future use of the vacated right-of-way:  
Yards \_\_\_\_\_ Parking \_\_\_\_\_ Expand Building Area \_\_\_\_\_ Replat with abutting Land \_\_\_\_\_ Other \_\_\_\_\_
7. Related Applications which are pending (give name or file number):  
Zoning \_\_\_\_\_ Board of Adjustment \_\_\_\_\_ Subdivision \_\_\_\_\_ Building Permits \_\_\_\_\_ Other \_\_\_\_\_
8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

CASHIER'S VALIDATION  
FEF: \$366.00

OWNER SIGNATURE Jay G. Wilson  
REPRESENTATIVE: \_\_\_\_\_

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING  
UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.